

The Hawaiian Star

DAILY AND SEMI-WEEKLY.

Published every afternoon (except Sunday) by the Hawaiian Star Newspaper Association.

THE STAR ACCEPTS NO LIQUOR ADVERTISEMENTS.

SUBSCRIPTION RATES:

Local, per annum\$ 8.00

Foreign, per annum 12.00

Payable in Advance.

Entered at Post Office at Honolulu, as second class mail matter.

Subscribers who do not get their papers regularly will confer a favor by notifying the Star Office; Telephone 2365.

The Supreme Court of the Territory of Hawaii has declared both THE HAWAIIAN STAR (Daily) and THE SEMI-WEEKLY STAR newspapers of general circulation throughout the Territory of Hawaii, ("suitable for advertising proceedings, orders, judgments and decrees entered or rendered in the Courts of the Territory of Hawaii.")

Letters to THE HAWAIIAN STAR should not be addressed to any individual connected with the office, but simply to THE HAWAIIAN STAR, or to the Editorial or Business Departments, according to tenor or purpose.

DANIEL LOGANEDITOR

FRIDAY,.....JANUARY 6, 1911

RECREATION VS. SPORT.

Surgeon General Stokes, U. S. N. condemns specialized athleticism, making particular reference to football, as tending to produce susceptibility to heart and lung trouble in its devotees later in life. He opens up a question that is ripe for right settlement with regard not only to the army and the navy, but colleges and schools, sporting clubs, industrial and mercantile establishments, and in short the youth and the prime manhood generally of this and other countries. Without going into the theories of Dr. Stokes and other investigators, including college professors, which condemn athleticism in its existing phases, it will be generally admitted that the evils pointed out have reached an extreme measure. Manly and womanly sports have too much lost their primal motive of recreation, and become rather a means of producing abnormal championships of teams and individuals. Glory rather than physical good is the incentive. Physical fitness is changed from being the end to being the means, and this of a different end to the original one. Sports are not play any more but war.

In vain is the attempt made to mitigate the fierceness of sports by strict law of segregation of the amateur from the professional. The two things are identical in all save the matter of money prizes. Even in the hiring of outside "talent" the amateur organizations put themselves on the lower plane of professionalism. It is a matter of triumphing over rivals at any price. There is the same abnormal training and excessive specialization in amateur as in professional sports. And if there were merit in specific training and selection of experts for different stations in games, it is only the insignificant few which receive the benefit while the great mass of people, older or younger, whose physical condition would be improved by athletic exercise sit idly upon the grandstand and bleachers. This condition has descended from athletic organizations and colleges to communities and common schools. Those who have attained to places on teams and crews, with a certain proportion of substitutes and understudies, have the fun and the great majority of youth, as well as unsupervised manhood, merely look on and "root" for their favorites.

To get back to the primitive innocence and blessedness of sport for recreation solely, the prescription should be the elimination of team championships, with all their gewgaws of medals and ribbons and challenge cups, from all colleges, schools and amateur athletic organizations. Let the only training for such be that of correct living, which is the best kind and will not leave a train of susceptibilities of breakdown. It would not be necessary to abolish all rivalry between institutions. They might yet compete for honors as a whole and not vicariously through picked exponents of a particular game. There would be a real test of the average physical condition of an institution's membership. All who played the game or practised the sport, whatever it might be, would thus have the exercise and be ready each, at a moment's notice, to acquit himself creditably in a match with another institution. Absolutely to eradicate the evils of specialization and over-training, the selection of competing teams on all occasions by rotation, or odd and even numeration, or by lot, would be all that was necessary. What is wanted is to get back to play for recreation simply.

This reform would not do away with professional sport, which must always have a place of its own in every virile community. There is a large public of men, women and children which loves to be entertained with athletic sports, and for its money nothing but the high quality of specialized performance would suffice. And there will always be a supply fitting the demand for professionals in field and water sports, just as there is for circus performers and knights of "the squared circle." Much of such professional talent will gravitate from the institutions and clubs that cultivate recreation for its own sake, yet that is no reason why the latter should not be emancipated from the incubus of everything pertaining to professionalism in sport.

MUNICIPAL FINANCES.

There is a financial outlook for the municipality which scarcely justifies the sweeping cut proposed to be made in road works. With exactly the same business to handle as this time last year, the board has practically the same resources in sight and improved ones in prospect.

There is bound to be a large increase of revenue this year, partly from the enhanced value of last year's sugar crop over that of the year before, ensuring more income taxes, and partly from an increase in property taxes which the latest returns show and from which the past year's revenue benefited. With perhaps from five to ten thousand dollars less of cash balance on hand than last year, the present board has more than an equivalent for the deficiency from having no back demands to pay.

In March there will be the bulk of the road taxes collected going directly into the city and county treasury, from which fund the former boards have always found means to relieve the general fund the first quarter of the year. Then half of the income and property taxes will have been collected in May, making ample resources in the Territorial treasury out of which the municipality may obtain advances from its reserve. This reserve, on which a settlement is made in July, will not be less than \$60,000 to \$90,000. Again the bulk of the business license money will be in the first quarter of next half-yearly period, the whole replenishing the treasury by \$50,000 to \$75,000 before the end of the year. Moreover, there is promise that the Legislature will provide better for all the counties at the coming session.

While appropriating money for the first quarter of the year, the board might quite properly discount, to a safe degree, the resources of the remaining three quarters.

A commercial review lately quoted in this paper referred to the apparent anomaly of a decline in copper securities notwithstanding that the consumption of the metal was as great as ever. When the price of copper rose skyward a few years ago, copper mining took on great activity. The result was twofold—copper securities went kiting and there was an over-production of copper. It was only a matter of time when the latter condition should reverse the former. This has happened and the unforeseeing investors bewail the loss of millions. The lesson is the one Franklin long ago taught, but which is seemingly forgotten by present day speculators—"Don't pay too dear for your whistle."

There was not a thought of "something hidden in the awful words to affect the Advertiser" in the squib printed yesterday relative to a piece of self-praise in that paper. The reply this morning, however,

Uncle Walt

The Poet Philosopher

The baughty British statesman went home upon a door. Tin cans were in his whiskers, his face was flecked with gore. His decent British garments were torn and slashed in strips, and words of bitter anger came trembling from his lips; "I left the house of commons with ladies in pursuit; they jeered and shrieked and hooted, and said I was a brute. I stopped a bit to argue, and show them where they're wrong—I never knew that ladies were so almighty strong! They dumped me in the gutter, they stood me on my head, they ruined all my garments, they sent me home to bed! I hear that sporty people still seek, from place to place, a pugilist of promise to vindicate the race. This modest hunch I'll give them, if they are seeking yet: They ought to put in training the British suffragette." He closed his eyes in anguish when these sad words were said. A brick came through the window, and caught him on the head.

Copyright, 1910, by Geo. Matthew Adams.

WALT MASON.

would indicate that the pebble thrown in fun has hit a live frog. At all events it proves that the morning paper is truly the baby's rattle that this paper jokingly called it.

Is it because the Advertiser is worrying itself so much over the editorship of The Star that it has to crib most of its editorial matter bodily from exchanges?

GRAND JURORS

(Continued from Page One.)

of Honolulu. All of these meetings have been harmonious and without waste of time.

"The many cases presented to the Grand Jury have been disposed of as from time to time reported to the Court after having been recorded in the minutes of the jury.

"This body was organized by the appointment of Mr. R. R. Reidford as foreman, by yourself and the selection of Mr. Ed. Towse as secretary, by Mr. Reidford.

"Mr. John W. Cathcart, as attorney for the Territory and Mr. F. W. Milverton, his Deputy, have diligently, courteously and impartially served the jury in its investigations and deliberations and by their able and conscientious work have been of invaluable assistance in guiding the jury in its effort to serve the people as directed by the Court.

"The cases of malfeasance or embezzlement in the District Court of Honolulu had the attention of this jury. We strongly recommend a monthly audit as prescribed by law of the financial transactions of this Court. The system and practice of handling funds, we find extremely loose. The monies therein have little or no protection in actual practice. Responsibility should be fixed with exactness and the law so amended that swift and full punishment may follow the theft of public monies.

"We are led to the belief that the law should operate to the end that minor cases of affray, theft, etc., might be finally disposed of in the District Court, fully serving justice, but saving the time and expense of Grand and Petit Juries and Courts.

"Throughout the City and County of Honolulu, the police should be much more alert in the prevention of the carrying of dangerous weapons by individuals. This is pointed out, not in the spirit of criticism of the officers involved, but for the obvious reason that many affrays could be avoided were persons suspected of evil designs submitted to search by the police.

"This Grand Jury has endeavored to follow your injunction to investigate the unlicensed selling of liquor. In two cases that were receiving our attention, the suspected persons were arrested and, entering pleas of guilty, were fined. It has been the custom for years to serve liquor with meals in these resorts. We believe that licenses should issue to one or perhaps two restaurants which are resorted to almost entirely by persons of a single nationality in the community.

"We find that several small grocery stores in one section of Honolulu constantly sell liquor without a Territorial license, and that in one place the owner of the premises holding a Federal license has for several years been almost openly an unlicensed retailer. It is also reported to us that in some of the outer districts of the island, liquor is peddled about illegally. We are satisfied that the police and law branches of the County Government are willing to co-operate with the inspector of the Liquor Commission in ferreting out law violations in the places indicated and in certain tenement houses of unsavory reputation. Our suggestion would be to strengthen the Liquor Commission, with funds for the employment of a larger executive force. We believe that by assiduous effort the so-called 'blind pig' can be eradicated. Let the illegal sellers once become convinced that the authorities are constantly and earnestly pursuing them, and such respect or fear of the law will

be engendered that the illegal traffic will be suppressed.

"We believe that the investigation by this body has had a salutary effect. However, every 'blind pig' witness examined by us stated that he (or she) would willingly give facts concerning the issue if called into Court to testify. The chief weakness in enforcement of this law, and perhaps others, is the antiquated system of practice of employing 'spies' or informers, who are harried or badgered into uselessness by defendants' attorneys. This, of course, should not be so, but it is the fact. Sudden and frequent proceedings of various character against the principals themselves, without hesitation in summoning necessary witnesses would certainly tend to make the business perilous and unprofitable.

"Nearly all of your Grand Jurors have been residents of Hawaii for many years and have taken pride in the fact that the people of the Islands were law-abiding. We therefore regret that it has been necessary to return so large a number of indictments for serious crimes, but we accept this situation as probably due to the incident of Hawaii at this time absorbing or receiving large number of new comers—some certainly unacquainted with our manners and customs, even our civilization, and others adventurers.

"We cannot close this report without a brief reference to the exemplary conduct of the very large number of enlisted men of the Army and Navy at present stationed in and about Honolulu. Officers and men are to be complimented and the Territory to be congratulated upon the splendid behavior at all times of the wearers of uniforms upon their visits to the City of Honolulu. Not a single instance of any breach of the peace or other violation of the law by the enlisted men has been brought to our attention.

"All of which is respectfully submitted.

(Sgd) R. R. REIDFORD,
Foreman of the Grand Jury.

A POLICE COURT RULING AGAINST CHINESE CONSUL

The libel proceedings arising out of the dispute between certain members of the Chinese community and the Chinese Consul-General are creating a great deal of interest in the police court, the court-room being packed this morning when the Consul-General again took the stand. The hearing of evidence has been interrupted several times by the argument of counsel, and late yesterday, questions of the comity of nations, international law, privileged documents and like questions were raised.

Judge W. B. Lymer continued the case until this morning in order to look into the authorities on a point raised by Judge A. S. Humphreys, who requested the production of a certain document then in the possession of the Chinese Consul, Attorney Claudius McBride (assisting the prosecution) objecting to the demand.

When the Court resumed the case at ten-thirty this morning Judge Lymer said:—"The Court desires to make a statement which will prove a surprise to both counsel. In considering this question of comity, international policy and international law which was presented yesterday I have concluded that the only proper ruling for the Court to make at this time is a rule which will probably obviate the necessity of an argument upon whether or not this District

Court has authority or jurisdiction to issue a process of the court compelling the Consul of a foreign country to bring a document which under his instructions, or alleged instructions, he could not properly bring. My view of the entire matter is briefly this: The plaintiff in this case has brought an action for criminal libel against the defendant and has introduced in evidence language which on its face constitutes a libel. Counsel for the plaintiff then very reasonably says, that, the language constituting prima facie libel, the burden is upon the defendant to prove that it is true. But the burden of going forward at this present time is upon the plaintiff, because of this: It certainly is an axiom of law that when the evidence, the controlling evidence, in any case is shown to be in the control and custody of one of the parties to a suit and that party refuses to produce this controlling evidence the law creates a presumption which is hostile to the party by virtue of this fact, and in this case I should say that the Consul, having shown on the stand that the order on which he relies as being his justification for taking this census and which the defendant relies on to show the consul had no authority to take the census, is in his sole custody and possession (he has made that clear by his own admission on the stand) in that case the law takes the presumption that if the Consul refuses to bring that document into court it is because if the document were produced in court the contention of defendant would be found to be true. We must distinguish between the burden of proof and the burden of going forward; the burden of proof is still on the defendant, but the plaintiff having shown that he holds in his possession this document upon which defendant relies the presumption exists that the order if produced would have the effect of supporting the defendant. In my view at the present time, the plaintiff is in this dilemma. If he feels that for patriotic reasons he cannot bring this document into court a presumption has arisen which is hostile to him and the court will have to hold that the contention of the defendant that the charge was true must be accepted. The plaintiff now can bring this document into court and rebut this presumption and then the burden of proof is shown at once to lie on the defendant."

Attorney McBride argued that a privileged communication was exempt from the general rule of presumption and the court had no power to draw any inference from the non-production of a privileged document. He challenged Judge Humphreys, or any other attorney, to prove that the court on the cross-examination of a witness could direct that witness to leave the stand and proceed to get a paper and bring it into court.

Judge Lymer replied that he appreciated the question of privilege but held that the Consul had waived that privilege by bringing the present suit which put at issue at once the existence or non-existence of the order and the nature of the order. He doubted whether the court had power to issue a process to demand the production of the document, but he thought that that was beside the question.

McBride then asked whether the court would hold, even if the consul had acted with or without authority, or in excess of authority, that it would negative that portion of the libel.

Judge Lymer replied in the negative. He held that the presumption existed that the order did not disclose any authority, not that the consul had "forced the census."

McBride wanted to show that the document was privileged and offered to produce authorities, while Humphreys was ready with a pile of books to show there was no privilege, or if there were that it had been waived.

The point was left over for consideration at a later time, Judge Lymer remarking that he would like McBride to submit his authorities, as the question was an interesting one. The hearing of evidence was then proceeded with.

SHIPPING NEWS

Island boats arriving today report rainy and rough weather at Hawaii, Maui and Kauai. The Noeau brought in 3900 bags of G. and R. sugar and one cash register. Purser O. B. Hayden reports an unusually rough passage crossing the channel on the outward trip with strong north-east winds. The Keauhou, he says, has experienced very rough weather on windward Kauai, having made landings at Keala and Hanalei. She landed Kailiwhai freight and Hanalei and will make an attempt to land at Kilauea this morning.

The Noeau left 850 bags of sugar in the warehouse at Makaweli and reports that the Kinau has 4200 bags of Koloa sugar on board.

The Noeau also reports the following sugar awaiting shipment:—L. A. 3000 bags; F. A. K. 1491 bags; K. S. M. 1500 bags; McB. 1691 bags and K. S. Co. 2140 bags.

The Mauna Loa was a veritable stock-yard on her arrival this morn-

ing, bringing the following assortment of live stock:—One horse, one donkey, one basket of dogs, two boxes of monkeys, two cows, two calves, seven boxes of pigs, eight boxes of chickens, nine pigs, three dogs and thirty head of cattle from A. J. Paris. She also carried as freight two bags of coin, sixteen bags of beans, twenty-nine bunches of bananas 962 bags of coffee, 5447 bags of sugar (11. A. 1100 and A. H. 4347 bags), seven empty wine barrels and 160 packages of sundries.

The Canadian-Australian steamer Moana is due to arrive off port at seven o'clock tomorrow morning and she will leave for the Commonwealth at noon on the same day. A wireless message was received from the captain to that effect by Theo. H. Davies & Co. this morning.

When a boy does go back to the farm he is usually accompanied by a wife and several children.

NEW ADVERTISEMENTS.

ELECTION OF OFFICERS.

At the annual meeting held Jan. 2, 1911 at its Hall on King St. the following named gentlemen were elected to serve as officers of the United Chinese Society for the ensuing year. President..... Mr. Chu Gen Vice-President..... Mr. G. Kim Fook English Secretary..... Mr. Wm. Yap Kwai Fong (Re-elected) Chinese Secretary..... Mr. K. K. Sun (Re-elected) Treasurer..... Ho Fon (Re-elected) Assistant Treasurer..... Young Kwong Tat (Re-elected) Wm. Yap Kwai Fong, Secretary. Honolulu, Jan. 5, 1911.

NOTICE.

WAILUA AGRICULTURAL COMPANY, LIMITED.

The Stock books of the Wailua Agricultural Co., Ltd., will be closed to transfers Saturday, January 7th, 1911, at 12 o'clock noon, to Saturday, January 14th, 1911, inclusive. CHAS. H. ATHERTON, Treasurer, Wailua Agricultural Co., Ltd. Honolulu, Jan. 6th, 1911.

BOYS' OVERCOATS

\$8, \$7, \$7.50 and \$8

SILVA'S TOGGERY LTD.

DISSOLUTION OF CO-PARTNERSHIP.

Notice is hereby given that the partnership lately subsisting between us, the undersigned, carrying on business as Rice-Planters at Waikiki, City and County of Honolulu, Territory of Hawaii, under the firm name and style of "CHONG LEE WAI COMPANY," has this day by mutual consent been dissolved.

WONG LUM, CHING WAI CHONG, AH LAN, AH NAM. Dated at Honolulu, T. H., January 3rd., 1911.

Houses For Rent

UNFURNISHED.

Alea, 3 B. R.\$50.00
Kaimuki 7th & B. R. 45.00
Kam. IV Rd. 3 B. R. 25.00
Lewers Road 3 B. R. 30.00
Kam. IV Rd. 4 B. R. 25.00
Waipio, 3 B. R. 22.00
Kam. IV Rd. 2 B. R. 15.00
Kinaiu Street, 3 B. R. 30.00
Wailae Rd. 2 B. R. 32.50
Beretania & Alapai Sts.
4 B. R. 37.50
Kinaiu Street, 6 B. R. 40.00
Cartwright Rd. 2 B. R. 18.00
Kaimuki, 2 B. R. 30.00
Gandail Lane, 3 B. R. 25.00
Lazarus Lane, 2 B. R. 15.00
Emma Street, 2 B. R. 35.00

Trent Trust Co., LIMITED.

Dress Goods

Men's Furnishings

YAT HING, - 127 Hotel St.

TRUNKS

Big, Small, Middle-Sized. All Strong, Roomy, and Selling at lowest Prices.

Chan Kee

127 Hotel Street.